

**ORIGINAL**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

OFFICIAL COMMITTEE OF )  
UNSECURED CREDITORS<sup>1</sup>, )  
                          )  
Plaintiff,              )  
                          )  
v.                         ) Civil Action No. 04-684-SLR  
                          )  
                          )  
DANIEL REID,            )  
                          )  
Defendant.              )

**AMENDED APPLICATION FOR ENTRY OF DEFAULT**

Plaintiff Wind Down Associates LLC, as Plan Administrator, hereby requests the Clerk to enter default on the record against Defendant Daniel Reid. As stated in the Affidavit of Maribeth L. Minella, Esquire, filed contemporaneously with this Application, Plaintiff is entitled to entry of a default against this Defendant pursuant to Fed. R. Civ. P. 55(a) because he was served more than twenty days ago and he has failed to plead or otherwise defend.

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<sup>1</sup> Pursuant to the terms of the Third Amended Joint Plan of Reorganization of Primary PDC, Inc. (f/k/a Polaroid Corporation) and its Debtor Subsidiaries and the Official Committee of Unsecured Creditors, Wind Down Associates LLC, as Plan Administrator, has succeeded the Official Committee of Unsecured Creditors as the Plaintiff in this action.

Respectfully submitted,

YOUNG CONAWAY STARGATT & TAYLOR, LLP



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Brendan Linehan Shannon, Esq. (No. 3136)  
Joseph A. Malfitano, Esq. (No. 4020)  
Maribeth L. Minella, Esq. (No. 4185)  
The Brandywine Building, 17<sup>th</sup> Floor  
1000 West Street, P.O. Box 391  
Wilmington, DE 19899-0391  
Tel: (302) 571-6600  
Fax: (302) 571-1253

-and-

KELLEY DRYE & WARREN LLP

Mark R. Somerstein, Esq.  
Jay N. Heinrich, Esq.  
101 Park Avenue  
New York, New York 10178  
Tel: (212) 808-7800  
Fax: (212) 808-7897

Counsel to the Plan Administrator

Dated: Wilmington, Delaware  
September 21, 2005

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

OFFICIAL COMMITTEE OF )  
UNSECURED CREDITORS<sup>2</sup>, )  
                          )  
Plaintiff,              )  
                          )  
v.                        ) Civil Action No. 04-684-SLR  
                          )  
DANIEL REID,            )  
                          )  
Defendant.             )

AFFIDAVIT OF MARIBETH L. MINELLA

STATE OF DELAWARE    )  
                          )  
                          ss:  
NEW CASTLE COUNTY    )

Maribeth L. Minella, being duly sworn according to law, deposes and says:

1.     This action was filed on October 9, 2003 in the United States Bankruptcy Court for the District of Delaware.

2.     On June 29, 2004, an Order was entered in the United States District Court for the District of Delaware withdrawing the reference of this matter to the Bankruptcy Court.

3.     As appears from the summons and certificate service attached hereto as Exhibit A, copies of the summons and complaint were served on Defendant at his home address: 9 Rocky Hill Drive, Litchfield, New Hampshire 03052. **On June 22, 2005, copies of the summons, complaint, and application for entry of default were mailed to defendant at his**

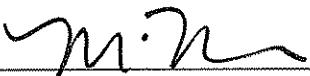
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<sup>2</sup> Pursuant to the terms of the Third Amended Joint Plan of Reorganization of Primary PDC, Inc. (f/k/a Polaroid Corporation) and its Debtor Subsidiaries and the Official Committee of Unsecured Creditors, Wind Down Associates LLC, as Plan Administrator, has succeeded the Official Committee of Unsecured Creditors as the Plaintiff in this action.

home address. Attached as Exhibit B is the certified mail receipt and the return receipt for certified mail, signed by Daniel Reid, indicating delivery on June 25, 2005.

4. The action is for a sum certain, therefore, the Clerk of the United States District Court for the District of Delaware may enter a party's default pursuant to Rule 55 of the Federal Rules of Civil Procedure.

5. More than twenty (20) days have elapsed since service of the Summons and Complaint upon the Defendant and he has not served an answer or motion on Plaintiff or otherwise defended the action.

  
\_\_\_\_\_  
Maribeth L. Minella

Sworn to and subscribed before me  
This 21 day of September 2005.

Stefanie B. Hubloue  
Notary Public:  
My commission ends: \_\_\_\_\_

STEFANIE B. HUBLIOUE  
NOTARY PUBLIC  
STATE OF DELAWARE  
My Commission Expires Aug. 3, 2006

# **EXHIBIT A**

Adv. Pro. No. 03-56581

CERTIFICATE OF SERVICE

I, Brenda S. Walters, certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made. I further certify that the service of this summons and a copy of the complaint and a Notice of Dispute Resolution Alternatives was made October 17, 2003 by first-class, United States mail, postage fully pre-paid to the following:

Daniel Reid  
9 Rocky Hill Drive  
Litchfield, NH 03052

Under penalty of perjury, I declare that the foregoing is true and correct.

  
Brenda S. Walters  
Date: October 18, 2003

YOUNG CONAWAY STARGATT & TAYLOR, LLP  
The Brandywine Building  
1000 West Street, 17<sup>th</sup> Floor  
P.O. Box 391  
Wilmington, DE 19899-0391

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

In re:

POLAROID CORPORATION, ET AL.,	)	Chapter 11
<u>Debtors.</u>	)	Case No. 01-10864 (PJW)
THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS, on Behalf of the Estates of Polaroid Corporation, et al.,	)	Jointly Administered
	)	
Plaintiff,	)	
v.	)	Adv. Pro. No. 03-56581
DANIEL REID	)	
<u>Defendant.</u>	)	

**SUMMONS AND NOTICE OF PRETRIAL CONFERENCE  
IN AN ADVERSARY PROCEEDING**

YOU ARE SUMMONED and required to file a motion or answer to the complaint which is attached to this summons with the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

Address of Clerk: United States Bankruptcy Court  
824 Market Street, 3rd Floor  
Wilmington, DE 19801

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorneys

**Primary Counsel (Contact Primary Counsel)**

Jay N. Heinrich, Esq.  
Paul D. Tanaka, Esq.  
KELLEY DRYE & WARREN LLP  
101 Park Avenue  
New York, NY 10178  
Tel: 212-808-7800 Fax: 212-808-7897

**Local Counsel**

Joseph A. Malfitano, Esq.  
Maribeth L. Minella, Esq.  
YOUNG CONAWAY STARGATT & TAYLOR, LLP  
The Brandywine Building  
1000 West Street, 17th Floor  
P.O. Box 391  
Wilmington, DE 19899-0391  
Tel: 302-571-6600 Fax: 302-571-1253

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012.

YOU ARE NOTIFIED that a pretrial conference of the proceeding commenced by the filing of the complaint will be held at the following time and place.

PLACE: United States Bankruptcy Court  
824 Market Street  
Wilmington, Delaware

TIME: December 16, 2003  
11:00 a.m.

**IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.**



Date: October 9, 2003

*/s/ David D. Bird  
Clerk of the Bankruptcy Court*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re	)	
	)	
POLAROID CORPORATION, ET AL.,	)	Case No 01-10864 (PJW)
Debtors.	)	Chapter 11
	)	
THE OFFICIAL COMMITTEE OF	)	
UNSECURED CREDITORS, on Behalf of	)	
the Estates of Polaroid Corporation, et al.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Adv. Proc. No.
	)	
<u>Defendant.</u>	)	

**NOTICE OF DISPUTE RESOLUTION ALTERNATIVES**

As party to litigation you have a right to adjudication of your matter by a judge of this Court. Settlement of your case, however, can often produce a resolution more quickly than appearing before a judge. Additionally, settlement can also reduce the expense, inconvenience, and uncertainty of litigation.

There are dispute resolution structures, other than litigation, that can lead to resolving your case. Alternative Dispute Resolution (ADR) is offered through a program established by this Court. The use of these services is often productive and effective in settling disputes. **The purpose of this Notice is to furnish general information about ADR.**

The ADR structures used most often are mediation, early-neutral evaluation, mediation/arbitration and arbitration. In each, the process is presided over by an impartial third party, called the "neutral".

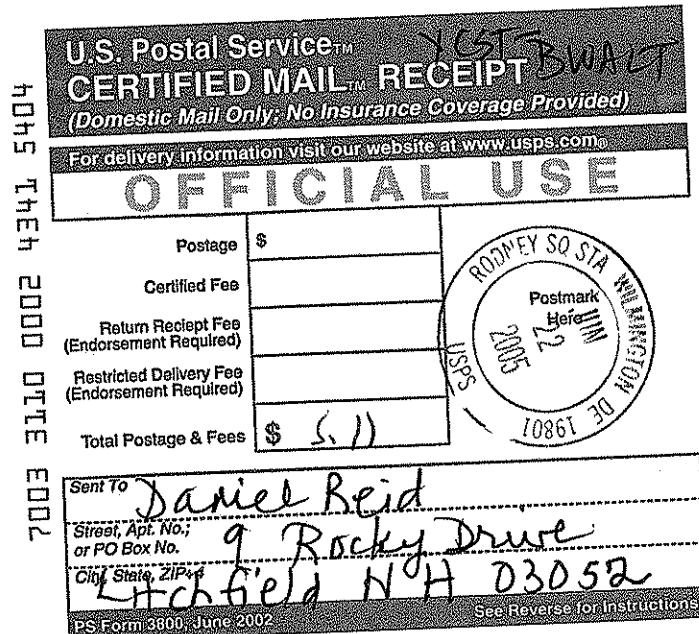
In mediation and early neutral evaluation, an experienced neutral has no power to impose a settlement on you. It fosters an environment where offers can be discussed and exchanged. In the process, together, you and your attorney will be involved in weighing settlement proposals and crafting a settlement. The Court in its Local Rules requires all ADR processes, except threat of a potential criminal action, to be confidential. You will not be prejudiced in the event a settlement is not achieved because the presiding judge will not be advised of the content of any of your settlement discussions.

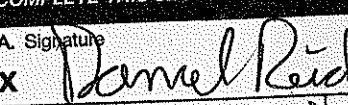
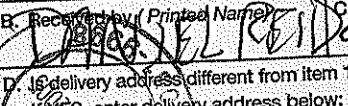
Mediation/arbitration is a process where you submit to mediation and, if it is unsuccessful, agree that the mediator will act as an arbitrator. At that point, the process is the same as arbitration. You, through your counsel, will present evidence to a neutral, who issues a decision. If the matter in controversy arises in the main bankruptcy case or arises from a subsidiary issue in an adversary proceeding, the arbitration, through voluntary, may be binding. If a party request *de novo* review of an arbitration award, the judge will rehear the case.

**Your attorney can provide you with additional information about ADR and advise you as to whether and when ADR might be helpful in your case.**

/s/ David D. Bird  
*Clerk of the Court*

# **EXHIBIT B**



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature </p> <p><input checked="" type="checkbox"/> Daniel Reid      <input type="checkbox"/> Agent      <input type="checkbox"/> Addressee</p> <p>B. Recipient by Printed Name </p> <p>C. Date of Delivery </p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes      <input type="checkbox"/> No    If YES, enter delivery address below:</p>	
<p>1. Article Addressed to:</p> <p>Daniel Reid    9 Rocky Hill Drive    Litchfield, NH    03052</p>		<p>E. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail      <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered      <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail      <input type="checkbox"/> C.O.D.</p> <p>F. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number  <i>(Transfer from service label)</i></p>		<p>7003 3110 0002 4341 5404</p>	
Domestic Return Receipt			
102595-02-M-1540			

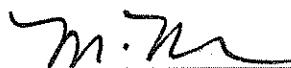
PS Form 3811, August 2001

**CERTIFICATE OF SERVICE**

I, Maribeth L. Minella, hereby certify that copies of the foregoing document were caused to be served on September 21, 2005, upon the following parties in the manner indicated:

**BY FIRST-CLASS MAIL**

Daniel Reid  
9 Rocky Hill Drive  
Litchfield, NH 03052

  
\_\_\_\_\_  
Maribeth L. Minella (No. 4185)